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The Wisconsin Department of Transportation adopts an order to amend TRANS 131.03(2)(a), 131.04(1)(b), 131.08(1) and 131.10(1), Wisconsin Administrative Code, relating to vehicle emission inspections.

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**ORDER ADOPTING RULE**

**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** s. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16  
**STATUTES INTERPRETED:** s. 110.20(6)(a)1., Stats.

**General Summary of Rule.** Ch. Trans 131 governs the operation of the Vehicle Emission Inspection Program. This rule making amends Trans 131.03(2)(a) which requires a vehicle registrant to obtain an emission test within 90 days prior to registration renewal. Originally, emission testing was done every year. Existing policy that the vehicle must be tested within 90 days prior to registration renewal was intended to assure that no more than 15 months would have passed between a vehicle's testing. Currently, tests are done every two years, and the 90-day window is more restrictive than necessary. We propose making the window 180 days instead of 90 days. The other provisions are references to the period of time prior to registration renewal in which a vehicle may be tested, and are simply changed to correspond to the 180-day period from 90-days.

**Fiscal Effect.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

**Final Regulatory Flexibility Analysis.** This rule will have no adverse impact on small businesses.

**Copies of Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Jerry Medinger, Third Party Programs Section, P. O. Box 7909, Madison, WI 53707-7909, or by calling (608) 266-2267. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the rule will be provided to individuals at their request.

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## **TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16, the department of transportation hereby amends a rule interpreting s. 110.20(6)(a)1., Stats., relating to vehicle emission inspections.

### **SECTION 1.** Trans 131.03(2)(a) is amended to read:

Trans 131.03(2)(a) No more than ~~90~~ 180 days prior to renewal of annual registration. In the 2nd year after the nonexempt vehicle's model year and every 2 years thereafter.

### **SECTION 2.** Trans 131.04(1)(b) is amended to read:

Trans 131.04(1)(b) The emission related repairs and adjustments made to the vehicle's emission control system, including cost for parts and labor, have been performed on the vehicle within ~~90~~ 180 days prior to renewal of annual registration or within ~~90~~ 180 days of vehicle ownership change registration and such repairs and adjustments are indicated in the space provided on the vehicle inspection report by the person performing the repairs. If the labor for vehicle repair is performed without charge or cost, only the cost of replacement parts shall be indicated. An itemized receipt indicating the parts, labor cost, and date of purchase shall be provided to the waiver investigator.

### **SECTION 3.** Trans 131.08(1) is amended to read:

Trans 131.08(1) ELIGIBILITY. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to either the vehicle's absence or inoperative condition, or the owner's or lessee's absence or incapacity, during the ~~90~~ 180 day period prior to the license expiration date, or within 45

days of an ownership change registration or registration as a collector or hobbyist vehicle, and inspection is not available under Trans 131.10, the owner or lessee may request of the department a letter of temporary exemption from the requirements of this chapter.

**SECTION 4.** Trans 131.10(1) is amended to read:

Trans 131.10(1) COMPLIANCE. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to the vehicle's absence from the Wisconsin inspection area during the ~~90~~ 180 day period prior to the license expiration date, or within 45 days of an ownership change registration or registration as a collector or hobbyist vehicle, but is operating in another nonattainment area requiring vehicle emission inspections, the owner or lessee shall submit an official vehicle inspection report, or the equivalent document, from that area indicating that the vehicle has passed the emission inspection in that area.

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**(END OF RULE TEXT)**

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this \_\_\_\_ day of  
January, 2002.

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TERRY MULCAHY, P.E.  
Secretary  
Wisconsin Department of Transportation